

EXHIBIT A

Case 1:07-cv-03219-LTS-DCF Document 153-8 Filed 03/19/2008 Page 1 of 1

The Trump Building**Service Request Information**Powered by
Workspeed **Create Information:**

SR#:	360624559	Type:	Visitor	Created On:	3/7/08 12:54 PM
Created By:	Carlos Aponle	Phone:	212	Company:	40 Wall Street LLC
Created For:	The Bostany Law Firm	On Behalf Of:		Phone:	

Request Information:

Visiting Harry Batchelder
Visiting On: 03/07/2008
Send To: 6100

Visitors Information:

Visitor Name	Company	Schedule Time	Check In Time	Check Out Time	Comments
M SOLNICTI		1:00 PM	12:54 PM		

Request History:

Date	Time	Action	Performed By	Company	Request Status
03/07/2008	12:54 PM	Request Created	Carlos Aponle	40 Wall Street LLC	NEW
03/07/2008	12:54 PM	Visitor Checked In	Carlos Aponle	40 Wall Street LLC	CLOSED
03/08/2008	01:56 AM	Closed by System	System Administrator	WORKSPEED	CLOSED

EXHIBIT B

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GMA ACCESSORIES, INC.,

PLAINTIFF,

-against-

EMINENT, INC., SAKS FIFTH AVENUE, INC.,
INTERMIX, INC., WINK NYC, INC., LISA KLINE,
INC., GIRLSHOP, INC., SHOWROOM SEVEN STUDIOS,
INC., JONATHAN SINGER, LEWIS TIERNEY and
JONATHAN SOLNICKI,

DEFENDANTS,
-----X

DATE: March 7, 2008

TIME: 10:31 a.m.

EXAMINATION BEFORE TRIAL of a
non-party witness, CHARLOTTE B, by a witness,
MELINA SOLNICKI, taken by the Plaintiff, GMA
ACCESSORIES, INC., pursuant to a Subpoena,
held at the offices of THE BOSTANY LAW FIRM, 40
Wall Street, New York, New York, before a
Registered Professional Reporter and Notary
Public of the State of New York.



David Feldman
Worldwide

From File to Trial™

SOLNICKI

beyond the scope.

MR. BOSTANY: What we will do is, it is 12:00. We can take a lunch break and come back at 1:00 and maybe we will have reached Judge Freeman by then or we can just -- how does that sound?

MR. GRAND: It doesn't sound like a good idea at all. We have been calling the judge -- why don't we go off the record?

MR. BOSTANY: No, I want this on the record.

MR. GRAND: Fine, we can keep it on the record. We tried the judge since 10:00 this morning and have not been able to reach her. I don't think it is prudent or reasonable to take a lunch break and wait for a ruling from the judge. We will be happy to abide by whatever ruling the judge makes. If Mr. Bostany wants to make an application to have the witness be compelled to answer the questions she

SOLNICKI

has been directed not to answer. But there is no reason to hang around and wait for an hour for an answer that might not come today.

So my suggestion is that if Mr. Bostany has no further questions and wants to wait for a ruling from the court, that we adjourn for the day and Mr. Bostany is then free to make an application for the court for the answers that he feels he is entitled to answers.

MR. BOSTANY: Well, I can't force you to come back at 1:00. I will either see you or I won't.

Nice meeting you.

(Whereupon, an off-the-record discussion was held.)

MR. BOSTANY: Mr. Grand just indicated that we shouldn't bother waiting around for him because he is definitely not going to be back at 1:00.

MR. GRAND: That's what not what.

SOLNICKI

I said. I didn't tell him not to bother. What I had said was, is that we have tried to reach the judge for hours now. It is apparent that the judge is not in chambers and cannot attend to our matters at the moment. And Mr. Bostany has indicated he has no further questions.

So because he has no further questions of the witness and is merely waiting for rulings from the judge on the questions he asked, and since the judge is not there, it makes no sense to keep this witness here any longer today to wait for these rulings.

So I do not think that it makes sense to continue the deposition and take a lunch break and come back for an answer that we don't have.

MR. BOSTANY: I am sorry for the confusion. I have further questions, and I would like to ask them at 1:00. Again, when I said I can't force you to stay, what I meant was, is that the

1 SOLNICKI

2 court reporter and I are going to be
3 here at 1:00. I can't physically
4 force you to be here at 1:00. All I
5 can say is that at 1:00, we are going
6 to note your non-appearance.

7 MR. GRAND: John, you just told
8 me you had no further questions. Now
9 you are telling me you do have more
10 questions. Please tell me what -- are
11 you going to be asking questions at
12 1:00?

13 MR. BOSTANY: Everything I said
14 was on the record.

15 MR. GRAND: And you contradicted
16 yourself. So I am asking you to
17 clarify the record.

18 MR. BOSTANY: Let's each order
19 the transcript.

20 MR. GRAND: I don't want to
21 order the transcript. I want to know
22 if you have questions of the witness
23 while she is here. If you have
24 questions, we don't need to wait an
25 hour to take a lunch break. We are

SOLNICKI

fine. We'd rather plow right through
and get done with the testimony and
cover all the areas that you have and
be done for the day.

MR. BOSTANY: I think what I
said was clear and it wasn't what you
say I said. Thank you.

(Whereupon, a recess was taken.)

MR. BOSTANY: The time is 1:00.
Mr. Paltrowitz and I are here.
Mr. Grand and the witness are not. So
we have no choice but to adjourn.

(Whereupon, at 1:00 p.m. the
Examination of this Witness was
adjourned.)

MELINA SOLNICKI

Subscribed and sworn to before me
this ____ day of _____, 2008.

NOTARY PUBLIC

E X H I B I T S

PLAINTIFF'S EXHIBITS:

EXHIBIT	EXHIBIT	PAGE
NUMBER	DESCRIPTION	
1	One page document	58

I N D E X

EXAMINATION BY	PAGE
MR. BOSTANY	4

QUESTIONS MARKED FOR RULINGS

PAGE	LINE
13	14
17	3
19	6
19	23

(Continued on the following page.)

EXHIBIT C

Case 1:07-cv-03219-LTS-DCF Document 154 Filed 03/19/2008 Page 1 of 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GMA ACCESSORIES, INC.

Plaintiff

Civil Action No.: 07CV3219 (LTS) (DCF)

- against -

EMINENT, INC., SAKS FIFTH AVENUE, INC.,
INTERMIX, INC., WINK NYC, INC.,
LISA KLINE, INC., GIRLSHOP, INC.,
SHOWROOM SEVEN STUDIOS, INC.,
JONATHAN SINGER, LEWIS TIERNEY and
JONATHAN SOLNICKI,

DECLARATION OF
CHAREN KIM

Defendants.
-----X

Charen Kim, hereby declares, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am an employee of the The Bostany Law Firm, attorneys for Plaintiff in this proceeding and respectfully make this declaration based upon my personal observations during the deposition of CHARLOTTE B LLC on March 7, 2008.
2. On March 7, 2008, I was present at the time the deposition of CHARLOTTE B LLC broke for lunch.
3. At that time, Mr. Grand left and indicated that he was not going to return.
4. The court reporter was then asked to stay until 1 pm in my presence; however, the court reporter replied that it did not make sense since Mr. Grand indicated he was not returning. Instead, she suggested that if the questioning attorney wanted to place anything on the record at 1 pm, it could be done by sound bite at that time to be inserted at 1 pm if and when Mr. Grand did not return.
5. To my surprise, Mr. Grand and his witness showed up shortly after 1 pm at which time I saw Mr. Grand walking into Mr. Bostany's office where he spoke to Mr. Bostany for approximately 10 seconds.

Dated: New York, New York
March 19, 2008

By: _____

Charen Kim

EXHIBIT D

Ira S. Sacks
Robert J. Grand
DREIER LLP
499 Park Avenue
New York, New York 10022
(212) 328-6100

*Attorneys for Third Party Charlotte B, LLC, and
Defendants Eminent, Inc., Saks Fifth Avenue, Inc.,
Intermix, Inc., Wink NYC, Inc., Lisa Kline, Inc.,
Jonathan Singer, Lewis Tierney and Jonathan Solnicki*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GMA ACCESSORIES, INC.,

Plaintiff,

v.

EMINENT, INC., SAKS FIFTH AVENUE, INC.,
INTERMIX, INC., WINK NYC, INC.,
LISA KLINE, INC., GIRLSHOP, INC.,
SHOWROOM SEVEN STUDIOS, INC.,
JONATHAN SINGER, LEWIS TIERNEY and
JONATHAN SOLNICKI,

Defendants,

DECLARATION OF
MELINA SOLNICKI

07 CV 3219 (LTS)(DF)

-----X
Melina Solnicki, pursuant to 28 U.S.C. § 1746, declares under penalty of
perjury as follows:

1. I am a member of third party Charlotte B. LLC ("Charlotte B"). I submit
this declaration in opposition to Plaintiff's motion to compel further discovery from
Charlotte B. Other than as expressly set forth, I have personal knowledge of all facts set
forth herein.

2. I understand that plaintiff's counsel has sworn under oath that neither I, nor my counsel, Robert Grand, were present in his office at 1:00 p.m. on March 7, 2008, for the continuation of my deposition. That is simply not true.

3. On March 7, 2008, I appeared on behalf of Charlotte B for a deposition in the above-captioned case. The deposition took place at the law offices of plaintiff's counsel.

4. Just before noon, counsel for plaintiff who was conducting the deposition, John Bostany, indicated that, with the exception of several questions that I was directed by my counsel not to answer, he had no further questions for me. Mr. Bostany then announced that he wished to adjourn the deposition for a one-hour lunch break and resume at 1:00 p.m. so that he could try to reach Judge Freeman at that time and obtain rulings on the questions that I was directed not to answer. Mr. Bostany had tried to reach the judge several times during the deposition that morning. Mr. Grand and Mr. Bostany discussed whether it made sense for us to continue the deposition in light of the fact that the judge appeared to be unavailable. Mr. Bostany insisted on a lunch break and stated that he, his colleague Ronald Paltrowitz, and the court reporter would be in the room at 1:00 p.m. Almost immediately thereafter, Mr. Bostany and Mr. Paltrowitz got up and left the room.

5. Mr. Grand and I left the building and ate lunch at a restaurant adjacent to the building where Mr. Bostany's office is located. At approximately 12:45 p.m., Mr. Grand and I left the restaurant and proceeded back up to Mr. Bostany's office. When we entered the building and approached the security guard, I realized that I had misplaced my security pass. I was required to present identification and I received a second security pass before proceeding to the elevator bank.

6. When we arrived in Mr. Bostany's office, there was no receptionist, the conference room where the deposition took place was dark, and the court reporter and her equipment were gone. It was not yet 1:00 p.m.

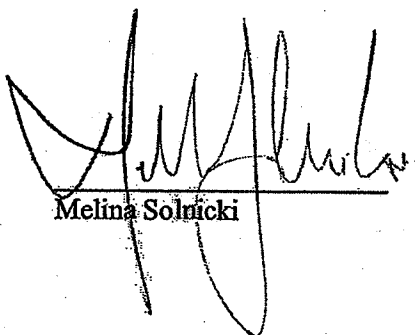
7. Mr. Grand then proceeded into the firm to try to locate Mr. Bostany. He emerged with Mr. Bostany a few minutes later and told me that Mr. Bostany had told the court reporter to leave because Mr. Bostany did not believe that we were returning to the deposition at 1:00 p.m.

8. Mr. Bostany asked me and Mr. Grand to wait in the reception area while he attempted to reach the court reporter to see if we could resume the deposition. After approximately 10 minutes had passed, Mr. Grand asked the receptionist (who had returned) to find out if Mr. Bostany had reached the court reporter.

9. A few minutes later, Mr. Paltrowitz emerged from the office hallway and told me and Mr. Grand that neither he nor Mr. Bostany was able to reach the court reporter and that, in any event, Mr. Bostany did not have any further questions for me, and so we were free to leave. Mr. Paltrowitz said a few words to me in Spanish and then Mr. Grand and I left the building.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 18, 2008
New York, New York



Melina Solnicki

EXHIBIT E

Case 1:07-cv-03219-LTS-DCF Document 145 Filed 03/17/2008 Page 1 of 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GMA ACCESSORIES, INC.

Plaintiff

Civil Action No.: 07CV3219 (LTS) (DCF)

- against -

EMINENT, INC., SAKS FIFTH AVENUE, INC.,
INTERMIX, INC., WINK NYC, INC.,
LISA KLINE, INC., GIRLSHOP, INC.,
SHOWROOM SEVEN STUDIOS, INC.,
JONATHAN SINGER, LEWIS TIERNEY and
JONATHAN SOLNICKI,

Defendants.
-----X

DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL

John P. Bostany, hereby declares, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am attorney for Plaintiff in this proceeding and respectfully make this declaration based upon my review of the files maintained in the firm's offices as well as my personal participation in certain proceedings.

2. This Declaration is respectfully submitted in support of Plaintiff's application for an Order (1) pursuant to Rules 37(a)(1), 37(a)(3)(B)(i) and 45 of the Federal Rules of Civil Procedure ("Fed.R.Civ.P.") compelling non-party deponent Charlotte B LLC to answer questions properly put to deponent's designated witness pursuant to Fed.R.Civ.P. Rules 30(a)(1), 30(b)(6), and 45; (2) pursuant to Fed.R.Civ.P. Rule 37(a)(3)(B)(ii) and Fed.R.Civ.P. Rule 45 compelling non-party deponent Charlotte B LLC to designate a proper witness pursuant to Fed.R.Civ.P. Rule 30(b)(6); (iii) for appropriate sanctions pursuant to Fed.R.Civ.P. Rule 30(d) (2); and (iv) for such other relief as this court deems just and proper.

3. I concur with Mr. Paltrowitz' declaration that it is clear from the Transcript that Plaintiff's Counsel had more questions but it was the Designated Witness's Counsel's preference to complete the deposition on another day after rulings were obtained. (See, Transcript, p 69). Counsel's statements had convinced us that he was not going to return (See, Transcript, pp. 70-72.) The Court reporter was released with a sound bite to be instituted in the record at 1 p.m. Since Counsel and witness had not returned by 1pm, the fact that a sound bite was used is academic.
4. However, on this motion, to relieve the Court from ruling on whether Plaintiff should be permitted to ask additional questions, given the Witness's returning at close to 1 pm, we respectfully ask only that CHARLOTTE B LLC produce a witness with knowledge to answer both the questions that were asked and the witness was directed not to answer as well as those questions that the witness had no knowledge of.

Dated: New York, New York
March 17, 2008

Respectfully Submitted,

By:

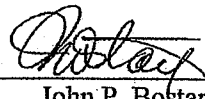

John P. Bostary (JB 1986)

EXHIBIT F

***** -COMM. JOURNAL- ***** DATE MAR-14-2008 ***** TIME 17:37 *****

MODE = MEMORY TRANSMISSION

START=MAR-14 17:32

END=MAR-14 17:37

FILE NO.=713

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	*	912127058552	012/012	00:02:33
002	OK	*	912125304488	012/012	00:01:24

-DREIER LLP

***** - 212 967 4465- *****

DREIER LLP
Attorneys at Law

498 Park Avenue
New York, New York 10022
Tel: (212) 328-6100
Direct Facsimile: (212) 328-6101

Fax Cover Sheet

Date: March 14, 2008

NAME	COMPANY	FAX NO.	TEL. NO.
David Feldman, President	David Feldman Worldwide, Inc.	(212) 705-8552	
John Bostany and Ronald Paltrowitz	The Bostany Law Firm	(212) 530-4488	

FROM: Robert J. Grand, Esq.
DIRECT DIAL: (212) 328-6118

Message:

Please see attached letter.

No. of Pages (including cover sheet): 12

{00338068.DOC;}

If you have any difficulties receiving this transmission, please call (212) 328-6100

The information contained in this fax is privileged and confidential, and is intended only for the use of the individual(s) named above and others who have been specifically authorized to receive such information. If the recipient is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, or if a problem occurs with this transmission, please notify us immediately by phone. Thank you.

DREIER_{LLP}
Attorneys at Law

499 Park Avenue
New York, New York 10022
Tel: (212) 328-6100
Direct Facsimile: (212) 328-6101

Fax Cover Sheet

Date: March 14, 2008

NAME	COMPANY	FAX NO.	TEL. NO.
David Feldman, President	David Feldman Worldwide, Inc.	(212) 705-8552	
John Bostany and Ronald Paltrowitz	The Bostany Law Firm	(212) 530-4488	

FROM: Robert J. Grand, Esq.
DIRECT DIAL: (212) 328-6118

Message:

Please see attached letter.

No. of Pages (including cover sheet): 12

{00338068.DOC;}

If you have any difficulties receiving this transmission, please call (212) 328-6100

The information contained in this fax is privileged and confidential, and is intended only for the use of the individual(s) named above and others who have been specifically authorized to receive such information. If the recipient is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communicate is strictly prohibited. If you have received this communicate in error, or if a problem occurs with this transmission, please notify us immediately by phone. Thank you.

DREIER^{LLP}

ATTORNEYS AT LAW

Robert J. Grand *Partner*
Direct 212 328 6118
rgrand@dreierllp.com

March 14, 2008

Via Fax (212) 705-8552

David Feldman
President
David Feldman Worldwide, Inc.
805 Third Avenue, 8th Floor
New York, New York 10022

Re: *GMA Accessories, Inc. v. Eminent, et al.*
07 CV 3219 (LTS) (DF)

Dear Mr. Feldman:

We represent several of the defendants in the above-referenced case, as well as a third-party known as Charlotte B, LLC ("Charlotte B"). I write at this time to call to your attention an egregious error that occurred in the transcription of the Charlotte B deposition that took place last Friday, March 7, at the offices of plaintiff's counsel, The Bostany Law Firm, at 40 Wall Street. The reporter from your office transcribing the testimony was Rebecca Schaumloffel. The relevant events are as follows:

Just before noon counsel for the plaintiff who was conducting the deposition, John Bostany, indicated on the record that, with the exception of several questions that the witness was directed by counsel not to answer, and which Mr. Bostany had marked for rulings from the Court, he had no further questions of the witness. Tr. pp. 68-69. Although Mr. Bostany had tried several times and for several hours to reach the Court for rulings on these questions, he was unable to do so. Mr. Bostany then announced that he wished to adjourn for a 1 hour lunch break and resume at 1:00 p.m. and try and reach the Judge at that time and obtain rulings on the questions so marked. I debated with Mr. Bostany the logic and necessity of taking such a break, but Mr. Bostany finally stated that he, his colleague Ronald Paltrowitz, and the court reporter would be in the room at 1:00 p.m. Tr. pp. 71-72. Almost immediately thereafter, Mr. Bostany and Mr. Paltrowitz got up and left the room.

At approximately 12:45 p.m., the Charlotte B witness and I returned to the Bostany Law Firm's office. I observed that the conference room where the deposition had taken place was dark and the reporter and her equipment were not there. I let myself in to the office and

499 Park Avenue New York, New York 10022
Telephone 212 328 6100 Facsimile 212 328 6101
Los Angeles · Stamford · Albany
www.dreierllp.com

David Feldman, President

March 14, 2008

Page -2-

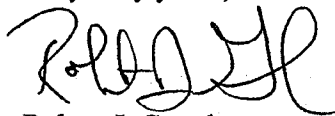
walked the halls until I found Mr. Bostany in his office sitting at his desk. I asked Mr. Bostany where the reporter was and if he intended to continue at 1:00 p.m. with his questioning of the witness. Mr. Bostany told me that he told the reporter to leave for the day because he believed that I was not going to return with the witness for the continuation of the deposition at 1:00 p.m. He asked me if the witness had returned to the office with me and I told him that she had and that she was waiting in the reception area of his office. I then reminded him that he had stated on the record that he, Mr. Paltrowitz and the reporter would be in the conference room at 1:00 p.m. I asked him if he had re-opened the record since that time and he said that he did not. I suggested that he try and contact the reporter, Ms. Schaumloffel, and see if she could return for the continuation of the deposition. Mr. Bostany asked me and the witness to wait in the reception area while he attempted to reach Ms. Schaumloffel. After 10 or 15 minutes passed, Mr. Paltrowitz emerged from the office hallway and informed me and the witness that neither he nor Mr. Bostany was able to reach Ms. Schaumloffel and that Mr. Bostany did not have any further questions for the witness and that we were free to leave, which we did.

Upon reviewing the transcript, however, I noticed that the last entry on the record is a statement by Mr. Bostany that says: "The time is now 1:00. Mr. Paltrowitz and I are here. Mr. Grand and the witness are not. So we have no choice but to adjourn." Tr. p. 73. That statement is followed by the reporter's statement that: "(Whereupon, at 1:00 p.m. the Examination of this Witness was adjourned.)" In view of the foregoing, that statement on the record by Mr. Bostany is an out and out lie.

Obviously, I do not know what happened after the witness and I left Mr. Bostany's office, but it would appear from the record that, contrary to what Mr. Paltrowitz told me and the witness, Mr. Bostany was, in fact, able to contact Ms. Schaumloffel and did have her return to his office so that he could make this final statement on the record.

I have included copies of the relevant pages of the transcript for your reference. As you can see, this issue is of critical importance and I respectfully request your assistance in ascertaining what exactly happened last Friday and how this last entry came to appear in the record, which we expect to be corrected.

Very truly yours,



Robert J. Grand

cc: John Bostany, Esq. (via fax)
Ronald Paltrowitz, Esq. (via fax)
Ira S. Sacks

EXHIBIT G

Robert Grand

From: Michael Feldman [MFeldman@david-feldman.com]
Sent: Wednesday, March 19, 2008 5:27 PM
To: Robert Grand
Subject: Corrected Transcript - 3/7/08 - GMA Accessories

From: Mirna Inocencio [mailto:minocencio@david-feldman.com]
Sent: Tuesday, March 18, 2008 3:11 PM
To: john@bozlaw.com; rgrand@dreirllp.com
Subject: Corrected Transcript - 3/7/08 - GMA Accessories
Importance: High

Dear Counsels:

Attached please find the corrected transcript of the March 7, 2008 deposition of GMA Accessories, Inc v. Eminunt, Inc.

The reporter initially went off the record at 12:07 pm while both counsels were present. Mr. Bostany then placed a statement on the record at 12:09 pm when counsel from Dreier was no longer present. This statement was taken correctly and is accurately reflected within the transcript.

As is a common practice for court reporters, the court reporter sent the transcript to her scopist to be proofed and prepared for final distribution. Based on the final statements made by Mr. Bostany as reflected in the transcript, the scopist incorrectly assumed the actual time to be 1:00 pm and created the final parenthetical reflecting that the time was 1:00 pm. The scopist turned in the final and David Feldman Worldwide distributed copies to each party. The reporter did not catch this oversight on the part of the scopist.

Today, once the Dreier law firm reported this situation to us, the reporter reviewed her notes and revised the transcript. The parenthetical now accurately reflects the actual time which was 12:09 pm.

Attached is the corrected transcript, we will also be sending new hard copies as well to both parties. Please discard the old transcripts.

We apologize for any inconvenience this may have caused. Please let us know if we can be of further assistance.

Mirna Inocencio

David Feldman Worldwide, Inc.